of perceptions of method provides insights into the learning process itself.

This study, which was carried out using Biggs' '3P' (Presage-Process-Product) Model of Classroom Learning, had three objectives: (1) to determine law students' perceptions of four integrated teaching methods that they had encountered in one specific first year subject; (2) to determine what effect these perceptions had on the way in which they went about their learning in response to the method adopted and whether there was any effect on their attitudes towards the subject matter itself or the teachers themselves; and (3) to determine whether particular groups within that law school body showed any significant deviation in perceptions of teaching methods from those of the general student body.

The student population chosen for the study were second year law students at the University of Queensland, Australia, all of whom had completed the compulsory first year subject, Introduction to Law, in the same year. The teaching methods selected for analysis were: (1) formal lecture in combination with a structured tutorial; (2) independent research combined with an unstructured open discussion tutorial; (3) skills-based seminars, where content and practical application were united in one session; and (4) formal lecture in combination with an interactive workshop. The data were further analysed with respect to mature-age students/ school-leavers, ESL/ native English speakers and male/ female students. In this qualitative study data were collected by semi-structured interview from 58 out of a total student body of 286.

Method 4 (lecture/ interactive workshop) was felt to be the most effective by all categories of respondents, whereas method 3 (seminars) was viewed as least effective. It was also found that the majority of the students interviewed believed that teaching methods had a considerable impact upon how they learned and how they felt about the subject itself. They perceived each method as giving an implicit message to them about what approach to adopt for learning. However, the students revealed that there was often divergence in their own evaluation as to whether the effect was positive or negative for them personally and whether the approach promoted by the method was effective for them as individual learners.

The third research objective was to determine whether particular subgroups showed any significant deviation in perceptions of teaching methods from the general student body. There were no significant differences in perceptions according to gender and ESL students generally shared similar perceptions about teaching methods and their effectiveness as did the general student population. However, there were differences evident between mature-age students and school leavers, the former favouring deep learning approaches, such as method 2 and those promoting interest and understanding through experience, such as the workshop component in method 4.

Essentially the study established that teaching methods, or more importantly, how students in fact perceive these methods, does make a difference to student learning. This in turn places an obligation on teachers in law schools to reconsider their objectives and teaching goals, to establish what type of learning they wish their students to adopt and to determine what methods may best achieve those goals and learning outcomes. There is a vast array of teaching methods, ranging from the traditional didactic lecture and tutorial to interactive workshops, discussion techniques, syndicate methods, independent study, computer-managed learning, interactive videos, problem-based learning and experiential learning. The challenge for the law teacher is to select from these innovative teaching methods and creatively to rethink and accordingly modify where necessary existing methods so that quality learning is achievable for their students.

SKILLS

REVIEW ARTICLE

What lawyers do: a problem solving approach to legal practice
S Nathanson
Sweet & Maxwell, 1997
166pp.

In his preface the author claims for this book a very bold objective. Nathanson points to the familiar inherent tensions about the purposes of law school education between those who contend that it is about teaching academic or theoretical law and the opposing camp which claims that its proper province is teaching legal practice. He concludes both that academic legal education seems unrelated to practice and that legal-practice education seems to lack a strong theoretical framework and sets for his book the goal of attempting to bring the two divergent outlooks together by explaining how law relates to practice and how practice is based on theory and principles.

Nathanson's credentials for essaying this difficult task are impressive. In his early work as a PLT course designer in Canada, he realised that what was lacking was a unifying theory of legal practice to act as an organising principle for the course in its entirety and as a sound framework

to assist students to conceptualise what lawyers do. He found the solution in the concept of legal practice as problem solving. The notion that competent lawyering can be envisioned as the ability to solve legal problems was identified as the missing theme which could be used to make sense of the curriculum design from the theoretical perspective. Over the intervening years he has probably become the leading advocate of the need to teach problem solving as a legal skill, as his published articles, many of them condensed in the *Digest*, testify.

Chapter one explores the popular images of lawyers, principally as they appear in film and television, under a number of headings: as the distorter of truth, as paper generator, as sorcerer, as hero, as underdog, as dramatic character, as saviour and as warrior. Chapter two looks at lawyering concepts as a device for describing and classifying law and for creating a systematically organised body of knowledge. Nathanson introduces his own notion of the requirements for a competent lawyer, which he marries to the knowledge, skills and attitudes which they are required to marshal in aggregate for competent practice.

All this discussion, which is scarcely ground breaking in itself, provides background to chapter 3 and succeeding chapters in which he pursues the process of legal problem solving as being the nub of what lawyers in fact do. He presents a process model for problem solving, made up of five stages: problem and goal identification, fact investigation, legal issue identification and assessment, advice and decision-making, and planning and implementation. Some of these stages are themselves broken down into various sub-steps but stress is also laid on the fact that the model is not just linear in its nature but that it operates in reality as a fluid and flexible process.

Subsequent chapters (5 to 9) trace the development of the lawyer's role in the problem solving process. The theory and practice with respect both to playing out conflict and conflict blocking are spelt out, as well as how Nathanson's process model in fact in intended to function in these situations. Worked examples are provided by way of illustration and clearly demonstrate his thesis that problem solving is the essence of what lawyers do in their daily practice. There is even a handy glossary of the common terms pertinent to the various dimensions of legal problem solving.

As interesting as this material is, there is no point tarrying further upon it. From the legal education viewpoint, the most compelling element of the book is contained in chapter four, dealing with the polarities between law school thinking and lawyer thinking. His intention is to help law students perceive the relevance of what they learn in law school to legal problem solving, both how they fit together and how they diverge.

He illustrates through the way that such subjects as contracts, torts and real property law are taught in law school that what law students learn is grounded in law school thinking which is different from lawyer thinking in scope, depth and viewpoint. Nathanson contends that, because law teachers emphasise judgments as the primary medium through which the legal principles are conveyed to their students, the focus of their thinking is not on the clients' legal problems but the legal issues that judges have to decide upon. As a result their frame of reference is that of the appeal court judge. Both the teaching style and the common examination format reward identifying and applying legal issues as well as predicting court outcomes, rather than training students to become competent lawyers. Nathanson's contention is that because so much time is spent on sources of law such as judgments and legislation, law schools overlook the one source which is probably responsible for the generation of more law than any other, the problem-blocking lawyer. *This is the vast enterprise of law-making that goes on every day in lawyers' offices and in the legal departments of thousands of firms: the creation of private law accomplished through the negotiation and drafting of agreements and transactions that govern legal relations between people.* (p 61)

Real-life client problems are presented to highlight the incongruities between the approaches of law students and practising lawyers. Moreover, a chart is provided to illustrate in a diagrammatic fashion the different mindsets but also to identify that there usually is an eventual meeting point between what law students learn and what lawyers do.

Nathanson's main message, of course, is that what lawyers do can be explained in terms of legal problem solving, for which he introduces a process model and works through the ramifications of its application. However, from the stance of a legal practice rather than an substantive law teacher, he has also gained valuable insights into where traditional legal education is going wrong, presuming that its mandate at least in part is to assist students to make the difficult transition from law school to legal practice. The one valuable further contribution that this book could have made but has been neglected is how the law school curriculum could be redesigned to incorporate client prob-

lem solving into the curriculum to permit them to do the job better.

Editor

STUDENTS

The culture of success: improving the academic success opportunities for multicultural students in law school
P Edwards
31 *New England L Rev* Spring 1997, pp 739–767

Although many law schools have programs to admit multicultural students, these students have not achieved, in numbers proportionate to their percentage of law students, the traditional indicators of academic success, such as membership on law reviews. These students' relative lack of success does not result from a lack of dedication. A recently released report by the Law School Admission Council (LSAC) confirms this statement and indicates that multicultural students are as diligent and often even more diligent than white students. However, they are not rewarded with better academic performances during the first year of law school.

The study found that when compared with predictions based on their undergraduate grade-point averages, multicultural students performed significantly worse. The LSAC study confirms that this relative lack of academic success is not the result of an insufficient amount of time spent on law school related activities. Students who performed significantly better during the first year of law school do not spend more time studying than those students who performed significantly worse than expected. The LSAC Study breaks down nine study-related activities. These activities include: (1) reading cases; (2) briefing cases; (3) making and studying outlines; (4) reviewing assignment materials and class notes; (5) participating in study groups; (6) reading hornbooks or nutshells; (7) discussing course-related problems with friends; (8) being tutored by other students; and (9) attending special classes on first year courses.

In general, the report shows that multicultural students spend more time than white students spend in all of these categories. With both men and women, there was no difference in the basic study patterns between the students who performed better than predicted and those who performed worse than predicted. Time spent studying does not necessarily result in good grades. Students who get good grades do no necessarily study more than students who get lower grades.

There are several factors that affect students' law school performance, such as poor legal writing skills, concerns about financial conditions, overwork, discrimination and cultural factors.

The LSAC study reveals that those students who performed better than their undergraduate grade-point averages had predicted did better in their first-year legal writing course than those students who did worse than their undergraduate grade-point averages had predicted. Those students who performed worse found every aspect of legal writing significantly more difficult than did the students who did better. If difficulties with all of these aspects of legal writing carried into final examinations in other first-year courses, they well could account for much, if not most, of the variation in grades between these two groups of students.

While financial concerns distract many first-year law students, these concerns especially affect multicultural students. Moreover, the LSAC study demonstrates that African-American students enter law school with larger undergraduate debts than any other ethnic group involved in the study. In addition to loans, African-American students depend more than the other groups on need-based and non-need-based scholarships to finance some portion of the costs of their second year of law school.

Studies have shown that students study more effectively if they incorporate breaks into their study schedules. Unfortunately, multicultural students in general spend less time in leisure activities, such as relaxation and recreation, than white students. Students who performed worse than predicted by their undergraduate grade-point averages spent less time on leisure activities than students who performed better than predicted by their undergraduate grade-point averages.

The LSAC Study results confirm the common wisdom that first-year law students should not hold paying jobs. Students who performed worse than predicted worked more hours at a paid job than those students who performed better than predicted. African-American students reported spending more hours working for pay than any other group.

Law school performance is strongly influenced by students' socioeconomic status. The majority of the students who performed better than predicted were in the upper-middle to upper socioeconomic status group. Likewise, students who performed worse than predicted were predominately in the lower-middle to middle socioeconomic status group. There is also a relationship between students' socioeconomic status group and ethnicity. This relationship is espe-